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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

October 24, 2005

MISC ORDER 2005-011

By The Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on October 26, through October 30, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Hull, Associate Justice; and Rios, bailiff.

C046904 THE PEOPLE v. NELSON

Cause called. Michael McPartland, court appointed counsel, argued for appellant. Craig Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:39 a.m., the court recessed. At 9:45 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.

C047027 ST. FRANCIS MEDICAL CENTER v. BONTA, as Director, etc.

Cause called. Lloyd A. Bookman argued for appellant. G. Mateo Munoz argued for respondent. Cause submitted.

C047188 THE PEOPLE v. HULL

Cause called. Philip M. Brooks, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:21 a.m., the court recessed. At 10:26 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C049380 DAVENPORT v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. Ronald M. Metzinger argued for petitioner. David M. Gol argued for respondents. Cause submitted.

At 10:45 a.m., the court recessed. At 10:48 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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October 24, 2005, continued

C046366 DANIELS v. UNION PACIFIC RAILROAD COMPANY

Cause called. Joseph P. Mascovich argued for appellant. Michael Babitzke argued for respondent. Cause submitted.

At 11:14 a.m., the court recessed. At 1:32 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Raye, Associate Justice.

C048229 CALOMARDE v. CENTRAL STATE CREDIT UNION

Cause called. David D. Cheng argued for appellant. David Ian Dalby argued for respondent. Cause submitted.

At 1:54 p.m., the court recessed. At 2:00 p.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C046955 OLSEN v. HARBISON III

Cause called. Sharon Arkin argued, Ronald E. Mallen, M. Max Steinheimer and Sandra L. Sava, appeared only for appellant. Edward Freidberg argued and Kathleen M. Kerekes appeared only for respondent. Cause submitted.

At 2:26 p.m., the court recessed. At 2:29 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Davis, Associate Justice.

C048750 OLSEN v. HARBISON III

Cause called. Edward Freidberg argued and Kathleen M. Kerekes appeared only for respondent. Sharon Arkin and Ronald E. Mallen argued and M. Max Steinheimer and Sandra L. Sava, appeared only for appellant. Cause submitted.

At 3:06 p.m., the court recessed. At 3:10 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Butz, Associate Justice.

C047907 PETERSON v. CALIFORNIA INSURANCE GUARANTEE ASSOCIATION

Cause called. Alan D. Sarvas argued for appellant. Tony J. Tanke argued for respondent. Cause submitted.

At 3:23 p.m., the court recessed. At 3:28 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Cantil-Sakauye, Associate Justice.

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October 24, 2005, continued

C046744 CLAUDIO v. REGENTS OF THE UNIVERSITY OF CALIFORNIA

Cause called. Wayne C. Smith argued for appellant. Rhonda Cate argued for respondent Canby. Cause submitted.

At 4:05 p.m., the court recessed. At 4:08 p.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C047788 MINNIE'S CORNBREAD HOUSE et al. v. CALIFORNIA EXPOSITOIN AND
STATE FAIR et al.**

Cause called. Gaspar Garcia argued for appellants. Brendan J. Begley argued for respondents. Cause submitted.

At 4:30 p.m., the court recessed until 9:30 a.m., Monday, November 14, 2005.

C047039 THE PEOPLE v. SOLI (Not for Publication)

The Penal Code section 1202.45 restitution fine is stricken. The matter is remanded to the trial court for an in camera hearing on the discovery motion... If defendant is unable to show any prejudice, then the trial court is ordered to reinstate the judgment and sentence as modified above.

RAYE, J.

We Concur: Scotland, P.J.

Hull, J.

October 25, 2005

MISC ORDER 2005-011

AMENDED

By The Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on October 26, through October 28, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C047881 THE PEOPLE v. KING (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Davis, Acting P.J.

Raye, J.

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October 25, 2005, continued

- C047911 THE PEOPLE v. DELAMORA (Not for Publication)**
The judgment is affirmed. The trial court is directed to correct the abstract of judgment...
SCOTLAND, P.J.
We Concur: Sims, J.
 Raye, J.
- C048608 THE PEOPLE v. LARSEN (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Hull, J.
- C049185 THE PEOPLE v. HARTMAN (Not for Publication)**
The judgment is modified... In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and forward it to the Department of Corrections and Rehabilitation.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Morrison, J.
- C046617 HUBBARD v. PACIFIC FLIGHT SERVICES, INC. et al.
C047093 (Not for Publication)**
In appeal No. C046617, the judgment dismissing defendants Paul Richter and Linda Patrick is affirmed. The judgment in favor of defendant Pacific is reversed and the cause remanded to the trial court with instructions to deny Pacific's motion for nonsuit...
... Pacific's cross-appeal (C047093) is dismissed as moot...
BUTZ, J.
We Concur: Davis, Acting P.J.
 Cantil-Sakauye, J.
- C047664 BUCUR v. BUCUR (Not for Publication)**
The matter is remanded to the trial court to modify the judgment consistent with this opinion...
BLEASE, Acting P.J.
We Concur: Hull, J.
 Robie, J.

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October 25, 2005, continued

- C048190 BARNES, as Trustee, etc., et al. v. TEHAMA COUNTY BOARD OF SUPERVISORS (Not for Publication)**
 The judgment is affirmed.
 SCOTLAND, P.J.
We Concur: Davis, J.
 Butz, J.
- C049320 In re ADAM B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ANDREW B. (Not for Publication)**
 The orders of the juvenile court are affirmed.
 NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Morrison, J.
- C046585 DUVALL v. SACRAMENTO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS et al.**
BY THE COURT:
 Appellant's petition for rehearing is denied.
 SCOTLAND, P.J.

October 26, 2005

- C045221 THE PEOPLE v. ODEN (Not for Publication)**
 The order directing defendant to pay CIGA \$10,714.39 as a condition of probation is vacated... In all other respects, the judgment is affirmed.
 MORRISON, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C045289 THE PEOPLE v. JORDAN (Not for Publication)**
 The judgment is affirmed.
 MORRISON, Acting P.J.
We Concur: Hull, J.
 Cantil-Sakauye, J.
- C048369 THE PEOPLE v. PULIDO (Not for Publication)**
 The judgment is affirmed.
 RAYE, Acting P.J.
We Concur: Hull, J.
 Butz, J.

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October 26, 2005, continued

- C048559 THE PEOPLE v. RENFROW (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Morrison, J.
- C049032 THE PEOPLE v. BAKER (Not for Publication)**
The order of probation is modified... As modified, the judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C049756 THE PEOPLE v. HUTCHINGS (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment...
RAYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C047209 BOYER v. BOYER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C047923 SAVILLE v. SIERRA COLLEGE et al. (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed...
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Hull, J.
- C048442 ROTH et al. v. GARD et al. (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.
- C048541 BABER v. BABER III (Not for Publication)**
The trial court's order is affirmed.
SCOTLAND, P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

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October 27, 2005

- C045938 THE PEOPLE v. CALDERON et al. (Not for Publication)**
Defendants' convictions and sentences for false imprisonment are reversed, and the trial court is directed to dismiss the false imprisonment charge (count 3)...
- SCOTLAND, P.J.
- We Concur: Blease, J.
 Hull, J.
- C046932 THE PEOPLE v. ROBERTS (Not for Publication)**
The judgment is reversed and the matter is remanded for further proceedings in accord with this opinion.
- MORRISON, Acting P.J.
- We Concur: Butz, J.
 Cantil-Sakauye, J.
- C047060 THE PEOPLE v. TILLMAN (Not for Publication)**
The judgment is affirmed.
- MORRISON, J.
- We Concur: Sims, Acting P.J.
 Davis, J.
- C047196 THE PEOPLE v. AUDETTE (Not for Publication)**
Defendant's convictions on counts 2 and 3 are reversed and those charges are dismissed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections.
- HULL, J.
- We Concur: Blease, Acting P.J.
 Morrison, J.
- C047403 THE PEOPLE v. ELMORE (Not for Publication)**
The judgment is affirmed.
- MORRISON, J.
- We Concur: Blease, Acting P.J.
 Butz, J.
- C047621 THE PEOPLE v. SAMPLE (Not for Publication)**
The judgment is affirmed.
- BLEASE, J.
- We Concur: Scotland, P.J.
 Cantil-Sakauye, J.

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October 27, 2005, continued

- C048034 THE PEOPLE v. MADISON (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment...
SCOTLAND, P.J.
We Concur: Blease, J.
 Robie, J.
- C047748 THE PEOPLE v. TREVINO (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
MORRISON, J.
We Concur: Scotland, P.J.
 Butz, J.
- C048034 THE PEOPLE v. MADISON (Not for Publication)**
The judgment is affirmed...
SCOTLAND, P.J.
We Concur: Blease, J.
 Robie, J.
- C049748 THE PEOPLE v. McCURDY (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
 Raye, J.
- C049770 THE PEOPLE v. McCARTHY (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed...
BUTZ, J.
We Concur: Blease, Acting P.J.
 Raye, J.
- C047961 CHRISTOFF v. UNION PACIFIC RAILROAD COMPANY (Not for Publication)**
The judgment is affirmed. Respondent shall recover its costs on appeal.
(Cal. Rules of Court, rule 27.)
SIMS, Acting P.J.
We Concur: Morrison, J.
 Hull, J.

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October 28, 2005, continued

We Concur: Nicholson, Acting P.J.
Raye, J.

**C048162 CITY OF STOCKTON et al. v. THE SUPERIOR COURT OF SACRAMENTO
COUNTY and CIVIC PARTNERS STOCKTON, LLC
(CERTIFIED FOR PUBLICATION)**

THE COURT:

The opinion in the above-entitled matter filed on October 4, 2005, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.

NICHOLSON, Acting P.J.

MORRISON, J.

HULL, J.